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ABSTRACT

Pennsylvania's House Resolution 43 of 1995 directs the Joint State Government Commission to report to the General Assembly on the feasibility of creating a voluntary residential school program for disadvantaged children. The Commission assembled a Working Group to consider this issue, and the group focused on poor children living in high crime areas who face threats to their emotional and physical safety at home, in school, and in the community. Residential schools designed for the targeted group children would provide safe and stable environments where they could learn and achieve to their best ability. The working group also considered alternatives that would use existing private boarding schools and establish safe dormitories for public schools. These alternatives were rejected in order to provide the best possible environment, maximize the number of participants, and facilitate administrative control. Funding for the new residential program would be provided by the Commonwealth (state) through an appropriation and the high school tuition charge for each student. Additional funding is anticipated from business contributing under a tax credit program, from charitable foundations, and through challenge grants issued by the Commonwealth. The proposed program would be a residential education program for students in grades 7 through 12 whose families are eligible for Aid to Families with Dependent Children or food stamps or who meet Federal poverty guidelines. A board would be established to regulate the program and place students. Appendixes present the Resolution and the proposed legislation. (Contains four tables.) (SLD)

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ED 409 403

THE FEASIBILITY OF PUBLICLY FUNDED RESIDENTIAL EDUCATION IN PENNSYLVANIA

Staff Analysis
Pursuant to House Resolution 43 of 1995

U.S. DEPARTMENT OF EDUCATION
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General Assembly of the Commonwealth of Pennsylvania
JOINT STATE GOVERNMENT COMMISSION
October 1995

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Staff Analysis
Pursuant to House Resolution 43 of 1995

General Assembly of the Commonwealth of Pennsylvania
JOINT STATE GOVERNMENT COMMISSION
October 1995

JOINT STATE GOVERNMENT COMMISSION
ROOM 108 - FINANCE BUILDING
HARRISBURG PA 17120

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The Joint State Government Commission was created by act of July 1, 1937 (P.L.2460, No.459) as amended, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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October 1995

TO THE MEMBERS OF THE GENERAL ASSEMBLY:

The Joint State Government Commission is pleased to present this report determining the feasibility of creating a publicly funded voluntary residential school program in Pennsylvania.

The report is the result of deliberations of a working group of legislators, educators, child care professionals and other interested public officials and private citizens. Their names are listed herein, and I extend the thanks of the General Assembly to them for their valuable and thoughtful assistance.

Respectfully submitted,

Roger A. Madigan
Chairman

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SUMMARY

House Resolution No. 43 of 1995 directs the Joint State Government Commission to report to the General Assembly on the "feasibility of creating a voluntary residential school program" for disadvantaged children.

The Commission assembled a Working Group on Voluntary Residential Schools which considered the problems faced by disadvantaged children and possible solutions.

The working group focused on poor children living in areas with high violent crime rates. Among the problems these children face are threats to emotional and physical safety in all aspects of their lives: at home, at school and in the community. The children encounter inconsistent expectations for behavior, erratic discipline and negative role models. Living in fear of harm, the children are often unable to reach their fullest academic potential, and many drop out of school. Others are lured into the life of crime that confronts them every day.

Residential schools designed specifically for the targeted group of children would provide them with positive, safe environments in which they can learn and achieve to their best ability. The schools would fill the students' needs in five crucial areas: physical and emotional safety, education, community, structure and self-esteem. By providing an environment which is consistent, nurturing and supportive in school, home life and social situations, the residential schools would offer the students the stability, adult attention and educational opportunities they need in order to develop into productive members of society.

The working group also considered residential education alternatives such as using existing private boarding schools and establishing safe dormitories for public schools. In order to provide the best possible environment, maximize the number of participating students and minimize administrative entanglements, these alternatives were rejected in favor of creating a new residential education program.

Funding for the residential school program would be provided by the Commonwealth in the form of an appropriation and the high school tuition charge for each student. Additional funding is anticipated from businesses contributing funds under a tax credit program, from charitable foundations and through challenge grants issued by the Commonwealth, corporations and foundations.

RECOMMENDATIONS

The staff of the Commission, upon consideration of the advice of the Working Group on Voluntary Residential Schools, recommends enactment of legislation that would:

1. Establish a residential education program intended for students in grades seven through twelve whose families are eligible to receive Aid to Families with Dependent Children or food stamps or meet federal poverty income guidelines and who live in high crime areas.
2. Establish the Pennsylvania Residential Education Board, an independent agency to provide residential education to eligible students, primarily by awarding contracts to providers of residential education and by placing students in existing residential schools.

3. Establish a Residential Education Support Fund as a restricted account to fund the program through tuition payments from schools, grants from businesses and foundations and appropriations from the Commonwealth.
4. Provide for a tax credit to businesses for contributions to the fund.

INTRODUCTION

House Resolution No. 43 of 1995 directs the Joint State Government Commission to report to the General Assembly by October 30, 1995 on the "feasibility of creating a voluntary residential school program" for disadvantaged children. The resolution was introduced by Representatives Ivan Itkin, John Perzel and 22 other members on January 31, 1995 and was adopted on February 1, 1995. The resolution is included as appendix A to this report.

The resolution states that "many child service professionals support group homes and other stable alternatives to foster homes and similarly unsettled living arrangements for disadvantaged children" and that "many parents living on poverty incomes believe their children are not being educated in an environment conducive to learning, but they lack the resources needed to provide better educational environments for their children."

METHODOLOGY

In carrying out the mandate of the resolution, the Commission looked at the following:

1. Poverty, violent crime and school dropout statistics.
2. Existing and proposed models of residential education.
3. Existing residential schools within Pennsylvania.
4. Funding sources available for proposed programs.
5. Constitutional issues.

In accordance with the resolution, the Commission assembled a Working Group on Voluntary Residential Schools consisting of legislators, educators, child care professionals and other interested public officials and private citizens. The working group met three times, holding its organizational meeting on June 29 and subsequent meetings on July 27 and September 8, 1995. The members brought their knowledge and experience to bear on the subject, discussing the parameters of the problems faced by at-risk children and considering proposed solutions.

To gather additional information, the Commission interviewed officials from the Departments of Education, Public Welfare and Community Affairs and surveyed various residential programs within and outside Pennsylvania.

AT-RISK CHILDREN

Children of low-income families living in areas with high violent crime rates face numerous factors which put them at risk of suffering emotional or physical harm, developing problem behaviors—including criminal behavior—and dropping out of school. One study identified the following risk factors: community norms favorable toward drug use, firearms and crime; availability of drugs and firearms; extreme economic and social deprivation; family history of high risk behavior; family management problems (e.g., lack of clear standards for behavior and failure to supervise and monitor children); family conflict and domestic violence; and family members and peers who engage in problem behaviors.[1]

An overwhelming problem that at-risk children face is the threat to emotional and physical safety. Unfortunately, for many at-risk children these problems are faced in every area of the child's life: at home, in the community and at school.

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[1]Developmental Research and Programs, Inc., Communities That Care: Risk-Focused Prevention (Seattle, WA, 1993), p. 9.

FAMILY

Many low-income families are able to provide their children with healthy, nurturing care at home, despite the burdens of poverty and dangerous neighborhoods. While they would like to move to safe communities in which their children can grow and learn, they lack the resources to do so.

Other families are dysfunctional and either neglect or mistreat their children, as in the case of an adult who is involved in drugs or other illegal activity that keeps him or her from being an effective care giver and role model for children. Such situations leave children vulnerable to emotional and physical harm, so that even the home offers no place of safety.

COMMUNITY

Many at-risk children lack a positive sense of community because they have never experienced it. Their neighborhoods consist of many unemployed people and others with low incomes and bleak economic prospects. Such neighborhoods are often characterized by hopelessness and crime.

Children of low-income families often live in areas where they must traverse dangerous territory between home and school. Many students in Pittsburgh are afraid to walk to school because of the gang activity resulting from an increasing drug trade, and some stay home because of that fear. School buses traveling through drug areas are sometimes pelted with rocks because of the display of gang colors in bus windows.[2]

Violence poses a severe risk for many children. Across Pennsylvania in 1993, 104 juveniles were murdered, 1,273 were raped, 2,721 were robbed and 14,327 were assaulted.[3]

Some of the victims of violence are not the intended victims, but are innocent bystanders who are hurt or killed in drive-by shootings or other attacks. In areas where illegal handgun possession is prevalent, accidents also take their toll in injuries and lives. For example, on August 17, 1995, 14-year-old Alan Cromwell, living at the House of Umoja in Philadelphia, was accidentally shot and killed by a man across the street who was "horse playing" with a gun during an argument about a crutch.[4]

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[2]Telephone Interview with Stan Rideout, Chief of Safety, Pittsburgh Public Schools (Nov. 30, 1994).

[3]Pennsylvania State Police, Uniform Crime Report data, 1993.

[4]Thomas J. Gibbons, Jr., "Outside House of Umoja, a Bullet Claims the Life of a Promising Teen," Philadelphia Inquirer, August 18, 1995.

SCHOOL

Unfortunately, many disadvantaged children also attend schools where their safety is threatened.[5] A number of school districts, including Philadelphia and Pittsburgh, employ security forces due to the crime that occurs in and around their schools. Metal detectors have become the norm in many schools throughout Pennsylvania as officials try to keep weapons and violence out of the halls of learning. It has been said that some of our schools have become known as "pre-prison programs."

These tragic circumstances characterize the cycle of daily living for many poverty-stricken youngsters in Pennsylvania. They find no place of rest where they need not be vigilant about the possibility of harm. It is little wonder that their attention is often consumed with fears and uncertainties which thwart any desire to learn. If at-risk students are given no alternative, many will choose to drop out of school or embark upon a life of crime.

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[5]Violent crime is not limited to urban school districts. During a biology class in suburban Upper Perkiomen in 1993, a 15-year-old shot and killed a 16-year-old who had been taunting him. Peter Landry, "Teen Slain in Class; Schoolmate 15, Held," Philadelphia Inquirer, May 25, 1993, p. A1.

DROPOUTS

Dropping out of high school has major ramifications for the dropout and the rest of society. While dropouts make up only about eleven percent of the population of the United States, half of those incarcerated in 1992 were dropouts, and almost half of the heads of households on welfare are dropouts.[6] According to a study of 1990 U.S. Census Bureau data, high school dropouts can expect over their working lifetimes to earn $212,000 less than high school graduates, $812,000 less than college graduates, and $2.4 million less than people with professional degrees.[7]

During the 1992-93 school year in Pennsylvania 18,326 students dropped out of high school, representing about 2.5 percent of total seventh through twelfth grade enrollment.[8] Following a class from seventh through twelfth grades and assuming the annual dropout rate remains constant at 2.5 percent, the class would be 14.1 percent smaller at graduation than it was upon entering seventh grade (representing a completion rate of 85.9 percent). The national completion rate in 1993 was 86 percent.[9] However,

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[6]"A Bleak Future for Dropouts," State Legislatures, Sept. 1995, p. 5.

[7]Id.

[8]Legislative Budget and Finance Committee, Dropout and Truancy Prevention Programs and Efforts, April 1995, p. 7.

[9]Id., p. 4.

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a new study by the Philadelphia school district's Office of Assessment and Accountability revealed that only 45 percent of the freshman class of 1988 actually graduated in 1992.[10]

JUVENILE CRIME PREVENTION

The issue of juvenile crime has been among the most urgent on the public agenda. As one of his first official acts, Governor Thomas J. Ridge convened a Special Session of the General Assembly to consider measures to deal with adult and juvenile crime. Among the issues cited by the Governor in the Proclamation initiating the Special Session were "[r]eduction of juvenile crime by reforming the system and laws relating to crimes committed by juveniles" and "[r]eduction of violence in schools and communities through school-based and community-based crime prevention."[11]

The focus on crime prevention in Pennsylvania has been renewed with the establishment of the Governor's Community Partnership for Safe Children. Mrs. Michele Ridge has been appointed chair of this task force to

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[10]Craig R. McCoy and Thomas Ferrick Jr., "Government and Taxes," Philadelphia Inquirer, September 28, 1995, pp. A10-A11.

[11]Commonwealth of Pennsylvania, Governor's Office, Proclamation of January 18, 1995, ¶¶ 2 and 11.

evaluate ways to prevent juvenile violence in Pennsylvania.[12] Preventing juvenile crime—and subsequent adult crime—from occurring in the first place is less costly than relying on the juvenile and criminal justice system. Residential treatment programs for juvenile offenders in 1993 ranged in cost from $33,107 to $49,234.[13] Current average tuition per student in existing Pennsylvania boarding schools is about $20,000. Allowing at-risk children to voluntarily enroll in a residential school under this program may divert a vulnerable group of children from entanglement with the justice system and save the taxpayers considerable expense in the future.

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[12]Exec. Order No. 1995-6, Sept. 14, 1995.

[13]Joint State Government Commission, The Cost of Juvenile Violence in Pennsylvania, January 1995, p. 43.

JUVENILE ARRESTS AND VIOLENT CRIME

ARRESTS FOR SERIOUS CRIMES

The most disturbing recent trend in juvenile crime has been an increase in arrests for serious violent crimes that is contrary to the downward trend in the juvenile population. The juvenile (10 to 17) and young adult population in Pennsylvania has fallen continuously over the 1975-94 period, although the decline has slowed over the 1987-94 period.

Pennsylvania's juvenile arrest record over the 1975-94 period, shown in table 1, indicates that the level of juvenile arrests for serious criminal activity has generally followed in step with the level of the juvenile population in Pennsylvania. However, the level of juvenile arrests for serious violent criminal activity has not followed the trend of the juvenile population. Total juvenile arrests for all serious crimes declined from 44,408 in 1975 to 27,474 in 1993. However, there was an increase of about 2,100 arrests from 1993 to 1994. Every category of offense charged recorded a significant percentage drop over the 1975-85 period, including every category of violent crime.

Table 1

JUVENILE ARRESTS IN PENNSYLVANIA FOR PART 1 (SERIOUS CRIME) OFFENSES FOR SELECTED YEARS, 1975-94

Offense charged	1975	1977	1979	1981	1983	1985	1987	1989	1991	1993	1994	Percentage change 1975-85	Percentage change 1987-94
Part 1:													
Murder[1]	146	73	62	92	32	46	48	79	83	95	93	-68	94%
Rape	346	292	256	249	265	302	283	267	316	270	309	-13	9
Robbery	3,162	2,502	2,968	3,192	2,715	2,617	1,977	1,465	1,938	2,105	2,415	-17	22
Assault	2,270	2,060	2,159	1,871	1,578	1,670	1,902	2,295	2,626	3,321	3,458	-26	82
Burglary	12,505	10,929	10,669	10,138	7,493	6,804	5,629	4,540	4,612	3,947	4,209	-46	-25
Larceny-theft	22,382	20,280	20,960	18,821	16,450	16,087	15,405	13,769	14,348	13,660	14,738	-28	-4
Auto theft	3,046	3,231	2,997	2,422	1,813	2,045	2,808	4,040	3,423	3,716	3,874	-33	38
Arson	551	561	604	450	369	382	387	318	412	360	486	-31	26
Total Part 1	44,408	39,928	40,675	37,235	30,715	29,953	28,889	26,773	27,758	27,474	29,582	-33	2
Total violent	5,924	4,927	5,445	5,404	4,590	4,635	4,210	4,106	4,963	5,791	6,270	-22	49
Juvenile population (000s)	1,691	1,632	1,573	1,514	1,417	1,341	1,313	1,298	1,220	1,254	1,289	-21	-2
Percentage juvenile violent crime	30	27	28	25	23	23	19	17	20	23	25	-24	36
Total Part 1	46	45	43	38	35	35	31	27	28	30	32	-25	2
Juvenile arrest rate per 100,000													
Part 1	2,626	2,447	2,586	2,459	2,168	2,234	2,200	2,063	2,275	2,191	2,295	-15	4
Part 1 violent	350	302	346	357	324	346	321	316	407	462	486	-1	52

1. The murder total includes arrests for manslaughter.

NOTE: Serious violent crimes include murder, rape, robbery and aggravated assault. Serious property crimes include burglary, larceny and theft, auto theft and arson.

SOURCE: Pennsylvania State Police, Crime in Pennsylvania, Uniform Crime Report, various years, and Pennsylvania State Data Center, population estimates by age, sex and race.

However, beginning in the late 1980s, juvenile arrests for violent crimes began to rise. The 1987-94 growth rates show an increase in every category of violent crime, with murder (including manslaughter), showing the highest rate of increase over the 1987-94 period.

Juvenile arrests for all serious property crimes fell substantially in the 1975-85 period. However, in the past decade, the arrests for auto theft and arson have increased substantially from their 1983 low point, while the arrests for burglary, larceny and theft continued to fall through the decade. The percentage of juvenile arrests for all serious property and violent crimes continued to fall until 1989. Since then, the juvenile percentage of all arrests has risen, and the percentage of juvenile arrests for violent crimes has increased from 17 percent in 1989 to 25 percent in 1994.

Pennsylvania's juvenile population fell 21 percent from 1975 to 1985. The juvenile arrest rate (number of arrests of juveniles for serious violent and index crimes per 100,000 juveniles) is shown for Part 1 violent and property crimes. The arrest rate follows the general decline in juvenile arrests that occurred from 1975 to 1989. Since 1989, the juvenile arrest rate for serious violent crime has increased an average of 10 percent annually; the fastest growing categories of violent crime arrests were murder and aggravated assault.

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Table 2

TOTAL SERIOUS (INDEX) CRIMES REPORTED TO POLICE IN PENNSYLVANIA
SERIOUS VIOLENT CRIMES REPORTED BY TYPE OF VIOLENT CRIME AND SERIOUS PROPERTY CRIMES FOR SELECTED YEARS, 1976-94

Offense	1976	1978	1980	1982	1984	1986	1988	1990	1992	1994	Percentage change 1976-94	Percentage change 1984-94
Murder	716	717	806	679	534	656	649	802	734	703	-2%	32%
Rape	2,156	2,187	2,705	2,449	2,750	2,942	3,004	3,130	3,223	2,997	39	9
Robbery	16,306	16,000	20,968	20,764	17,480	17,910	16,628	20,718	21,361	22,010	35	26
Assault	15,629	16,247	18,229	18,768	17,020	20,380	22,721	26,358	24,011	23,941	53	41
Total violent	34,807	35,151	42,708	42,660	37,784	41,888	43,002	51,008	49,329	49,651	43	31
Property	363,073	338,979	400,335	369,118	325,240	342,243	335,754	357,538	344,316	328,192	-10	1
Total index	397,880	374,130	443,043	411,778	363,024	384,131	378,756	408,546	393,645	377,843	-5	4
Population (000s)	11,887	11,985	11,864	11,840	11,815	11,853	11,846	11,882	12,009	12,048	1	2

NOTE: Serious violent crimes include murder, rape, robbery and aggravated assault. Serious property crimes include burglary, larceny and theft, auto theft and arson.

SOURCE: Pennsylvania State Police, Crime in Pennsylvania, Uniform Crime Reports, various years.

The increase in the juvenile arrest rate for serious violent crimes is consistent with the rise in the number of serious violent crimes reported to the police in Pennsylvania during the 1984-94 period. Table 2 shows the number of serious violent and property crimes reported to the police in the 1976-94 period. Pennsylvania's total serious crime level reached its highest point at 443,043 offenses in 1980. The total serious property crime levels fell during the early 1980s and showed very moderate increases over the late 1980s and early 1990s. In contrast, serious violent crimes, except for murder, have all increased by at least 35 percent over the 1976-94 period, with rape and aggravated assault increasing the fastest. During the past decade, all serious violent crimes have increased, with murder and aggravated assault showing the highest rates of increase. The current level of almost 50,000 serious violent crimes annually is among the highest ever recorded for Pennsylvania.

ARRESTS FOR LESSER CRIMES

Lesser crimes (Part 2 crimes) include primarily offenses against property, public order and decency, and assaults that do not involve weapons or serious injuries. Table 3 shows the data for juvenile arrests for

Table 3

JUVENILE ARRESTS IN PENNSYLVANIA FOR PART 2 OFFENSES FOR SELECTED YEARS, 1975-94

Offense	1975	1977	1979	1981	1983	1985	1987	1989	1991	1993	1994	Percentage change 1977-85	Percentage change 1987-94
Other assault	2,976	2,904	3,211	3,161	3,002	3,646	3,867	4,122	4,956	6,100	7,080	26%	83%
Theft & vandalism	11,679	11,286	12,499	10,893	8,463	9,583	9,075	9,004	9,419	9,137	9,573	-15	5
Sex offenses	761	646	589	677	616	735	796	572	748	761	623	14	-22
Drug abuse:													
Sales/manufacturing													
Opium-cocaine	na	61	44	53	34	105	532	1,598	1,422	1,619	2,117	72	298
Other	na	1,240	742	478	427	345	235	229	250	472	636	-72	171
Possession:													
Opium-cocaine	na	77	38	62	33	132	331	634	607	433	621	71	88
Other	na	3,824	3,616	2,567	1,533	1,545	961	760	614	1,064	1,860	-60	94
Liquor law	19,800	19,215	24,767	20,760	16,821	16,645	19,174	14,586	11,908	8,277	8,948	-13	-53
Disorderly conduct	11,886	10,695	12,297	10,320	8,504	9,278	9,595	10,660	12,255	14,753	16,471	-13	73
Curfew & loitering	40,545	28,469	19,338	37,226	24,769	18,773	20,850	11,704	9,011	6,733	9,489	-34	-54
Runaways	7,336	6,673	5,115	4,613	4,282	5,761	5,771	5,649	5,448	5,930	6,763	-14	17
Other	13,518	28,185	16,011	17,999	16,704	16,659	12,990	11,456	12,383	13,250	14,009	-41	8
Total Part 2	108,501	113,275	98,267	108,809	85,188	83,207	84,087	70,974	69,021	68,529	78,190	-27	-7

SOURCE: Pennsylvania State Police, Crime in Pennsylvania, Uniform Crime Reports, various years from 1975 to 1994.

Part 2 offenses in Pennsylvania. These arrests have fallen every year over the 1975-93 period, but in 1994, they jumped by 9,661 arrests, a 14 percent increase. Most of these increases were for loitering and disorderly conduct, but a significant part of the increase was for simple assaults and drug dealing and possession. In fact, the juvenile drug trade and possession arrests show the highest rate of growth over the 1987-94 period, with the sale and manufacture of opium and cocaine increasing the fastest. The juvenile arrest data strongly suggest that juvenile criminal activity, especially in offenses relating to serious violent crimes and offenses regarding drug dealing and possession, has increased substantially over the past five to seven years.

The rise in juvenile arrests could arise from more efficient police work in investigating and arresting juvenile offenders relative to adult offenders. A more plausible explanation is that the jump in the juvenile arrest rate indicates more violent crimes being committed more frequently by a smaller juvenile population than in previous years. The anecdotal evidence gathered from newspaper accounts suggests a close link between juvenile drug dealing and possession and violent crimes such as aggravated assault and murder.

VIOLENT CRIME IN POLITICAL SUBDIVISIONS

Pennsylvania's violent crime rate of 412 per 100,000 residents is relatively low compared with the nationwide average rate of 747.[14] However, the incidence of violent crime is not evenly spread throughout the Commonwealth, and there are political subdivisions with very high rates. Violent crime is not exclusively a big city problem. Pennsylvania's two largest cities, Pittsburgh and Philadelphia, have relatively high violent crime rates, but certainly not the highest in the Commonwealth. Table 4 shows the violent crime rates for the school districts and municipalities which reported violent crime rates at least twice the statewide average rate and were within the poorest one-third of school districts in the Commonwealth. These political subdivisions have violent crime rates ranging from a low of 850 for Lancaster School District to 4,346 in Chester-Upland School District in Delaware County. The average violent crime rate for the 19 jurisdictions is 1,551, a figure which is nearly four times the statewide average level. With about 25 percent of the Commonwealth's population, these political subdivisions recorded about two-thirds of the violent crimes reported to police in 1994.

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[14]Federal Bureau of Investigation, Crime in the United States, 1993 and Pennsylvania State Police, Crime in Pennsylvania, 1994.

Table 4

MUNICIPALITIES AND SCHOOL DISTRICTS IN PENNSYLVANIA
WITH HIGH VIOLENT CRIME RATES IN 1994
AND HIGH PROPORTIONS OF
POVERTY STUDENTS RESIDING IN DISTRICT
(RATES ARE SERIOUS VIOLENT OFFENSES PER
100,000 POPULATION)

Municipalities and school districts	Violent crime rate	School district enrollment grades 7 to 12
Braddock Borough[1]	2,246	2,863
Bristol Township S. D.	855	3,597
Canonsburg Borough[1]	961	1,696
Chester-Upland S. D.	4,346	3,027
Coatesville City[1]	943	3,161
Duquesne City S. D.	1,352	419
Harrisburg City S. D.	2,107	3,258
Lancaster S. D.	850	4,311
Midland Borough S. D.	1,530	54
New Kensington[1]	1,253	1,148
Norristown Borough[1]	1,093	2,712
Philadelphia City S. D.	1,322	88,287
Pittsburgh City S. D.	1,115	16,776
Pottstown Borough S. D.	1,756	1,077
Reading City S. D.	1,067	5,063
Uniontown City[1]	1,912	1,739
Washington S. D.	950	857
Wilkinsburg Borough S. D.	2,474	611
York City S. D.	871	2,500
Total	1,551	140,444

1. Municipality with high violent crime rate within one of the poorest 167 school districts.

NOTE: The political subdivisions have estimated violent crime rates twice the statewide average and also appear on the list of 167 poorest school districts in the State as published by the Pennsylvania Department of Education.

SOURCE: Pennsylvania State Police, Uniform Crime Report, 1994 and Pennsylvania Department of Education, Public Secondary School Dropouts by School, 1993-94, 1995.

Violent criminal activity does not occur at the same rate throughout a school district or political subdivision. Large cities contain pockets and neighborhoods with extremely high violent crime rates, but many large neighborhoods experience a moderate or low incidence of violent crime. In a medium sized city and school district such as Chester City in Delaware county, the extremely high violent crime rate suggests that many of the city's neighborhoods are regularly subject to a high incidence of violent crime.

The working group generally accepted the incidence of violent crime as an eligibility criterion, recognizing that children in the most violent neighborhoods should receive enhanced protection and security. Children who live in the most violent neighborhoods within urban school districts are more likely to have parents or guardians of very modest economic means, because families that can afford to move in order to escape street violence have already done so. The remaining families have virtually no choice but to raise their children where there is no escape from violent streets.

While various programs have begun to address the root causes of problem behaviors,[15] such basic changes as strong community bonds and

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[15]For example, the Communities That Care program identifies risk factors and works to enhance protective factors in communities so that children have an opportunity to grow into healthy, contributing members of society. $264,591 in Federal grant money under the Juvenile Justice and Delinquency Prevention Act of 1974 was distributed by the Pennsylvania Commission on Crime and Delinquency to eight counties in 1994 for the planning stages of Communities That Care programs. Pennsylvania Commission on Crime and Delinquency, "Title V - Delinquency Prevention Program Communities That Care: Planning and Coordination Subgrants."

healthy family situations will necessarily take time to achieve. Meanwhile, the children living in high risk environments need to be able to feel safe now in order to be able to develop into contributing members of society.

DEVELOPMENTS ACROSS THE UNITED STATES

Existing and proposed residential programs developed across the United States to improve the educational opportunities for poor, at-risk children were presented to the working group. Several models are described in this part.[16]

ILLINOIS

Chicago Cluster Initiative

A nonprofit school-reform group called the Chicago Cluster Initiative is planning to convert part of America's largest public housing complex into a "residential extended-day school" for about 300 at-risk children in grades four through eight. The children would live at the "academy," but remain enrolled in their current public schools. During the evening hours at the academy, the children would receive additional academic instruction, recreational opportunities and social services.

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[16]These materials were developed through telephone interviews with officials of the respective programs and from written materials on file in the offices of the Joint State Government Commission.

MICHIGAN

Woodward Academy

Plans are under way in Detroit to convert a former mental health clinic into a residential charter school called the Woodward Academy. The academy would provide housing and an educational environment conducive to learning. The aim of the academy is to keep poor, at-risk children from becoming trapped in the drug trade.

Under Michigan law, educational boards may authorize a charter school by issuing a contract for the establishment of the school, referred to as a public school academy. The authorizing body administers the funding for the academy and oversees its compliance with the charter and applicable law. Local school district boards, intermediate school district boards, community college boards and state public university governing boards may act as authorizing bodies. Central Michigan University has approved Woodward's proposed academic program, and its charter is now being prepared.

Under Michigan's public school academy system, an academy may not be affiliated with a religious organization or teach religion. An academy may neither charge its students tuition nor discriminate in its admissions policy on the basis of intellectual or athletic ability, handicap or any basis

prohibited by law. If the applications an academy receives outnumber the spaces available, the academy must use a random selection process to admit students.

Funding for public school academies is provided by the State of Michigan in the amount the local school district would receive per student, up to $5,500. This money is paid to the authorizing body which then forwards the payment to the public school academy. Lacking the authority to impose taxes, the academies receive no local tax money and rely solely on private contributions to provide additional funding.

MISSISSIPPI

Piney Woods Country Life School

Piney Woods, the largest of the five surviving historically black boarding schools, is located on 2,000 acres in Piney Woods, Mississippi, just outside Jackson. It is a private coeducational residential Christian school, primarily for African-American children in grades seven through twelve. Although the school does not discriminate in its admissions on the basis of religious background, all students must participate in weekly Bible study, read from the Bible every morning and attend church every Sunday. Eighty-five percent of Piney Woods students are from single parent families

living at or below the poverty level. In order to offer its students a safe environment, Piney Woods sets and enforces strict disciplinary rules.

The school's students must live at Piney Woods during the nine-month school year and may go home only on holidays. These students come from throughout the United States (48 percent of the total enrollment is from Mississippi), the Virgin Islands, and four countries in Africa. The enrollment for the 1995-96 school year is about 350, including 50 seniors. During the past ten years, the school also accepted day students in grades kindergarten through six; however, this program has been suspended for the 1995-96 school year due to a lack of funds.

Piney Woods offers an academic program with vocational, home economics and athletics programs available as electives. Every member of the class of 1995 has been enrolled in college. To be accepted into the school, a student must have maintained at least a C average in his previous school. In choosing its students, Piney Woods also considers the child's family income, family life, disciplinary history and law enforcement record.

Total cost per child per year is $20,000. Every child works ten hours per week on site to help defray these costs, and in exchange for the work about $1,500 is subtracted from the child's tuition. An individual student's tuition is based on family income but is in no case more than $6,000. Although the school accepts children who are unable to pay tuition, every

child must pay something to Piney Woods on the theory that the sacrifice involved with paying tuition dedicates the child and his family to the program.

NEW JERSEY

Children's Academies for Achievement

Based in Princeton, the Children's Academies for Achievement Charitable Trust (CAA) has developed a plan for residential schools to provide an environment in which poor, inner-city children have an opportunity to succeed. The plan is designed for students in grades seven through twelve and will provide a college preparatory education, while imparting a sense of personal and social responsibility. Students will be expected to participate in community service projects and extracurricular activities, in addition to performing assigned chores at the school. Family weekends and seminars will be held so that parents are involved in their child's learning process. CAA foresees the school as a place that graduates may return to for support and career advice.

CAA's plan minimizes capital costs by utilizing existing infrastructure for school sites. Military base closures and realignments, the closing of small colleges and preparatory schools, and the downsizing of businesses all leave

vacant space that CAA believes may be available at a low cost. The plan allows $500,000 for initial capital expenditures.

A first-year enrollment of 40 students in seventh and eighth grades is envisioned. In five years, the school will be fully operational with an enrollment of 120 in grades seven through twelve and a staff of twelve teachers. One house parent for every 13 students in grades seven through nine will staff the dormitories, with seniors acting as resident assistants. A social worker and part-time counselors will also provide services to students.

Funding for the residential schools could come from various sources. The educational component of the school could be funded by the local school district and the State. The program also anticipates the school's receipt of the students' federal and state entitlements, including school breakfast and lunch funds, Medicaid and social services funds. CAA will seek private donations to fund the balance of capital and operating expenses, and establish an endowment to ensure the long-term survival of the schools. CAA is now evaluating potential sites for its model school.

PENNSYLVANIA

Girard College

Girard College in Philadelphia is a full-scholarship coeducational boarding school for children who are orphaned or come from single-parent, low-income families. Girard has a total enrollment of 570 students in grades one through twelve and operates five days a week for nine months of the year. Parents take their children home Friday afternoons and return them to Girard Sunday evenings. Students must be between the ages of six and twelve at the time of admission to the school.

Girard receives approximately 2,000 inquiries each year, of which 600 qualify for admission and 100 are accepted. Students can be dismissed from the school for poor academics or poor citizenship. Over 90 percent of Girard graduates attend college.

Girard College is funded by a private endowment which was established after the death of banker and philanthropist Stephen Girard in 1831. Girard's will provided that most of his fortune would be used to establish a free boarding school for poor children.

The cost per student per school year is estimated at $20,500. Girard provides its students with school clothes and routine health care. No tuition is charged, but parents are responsible for transportation and health coverage.

Milton Hershey School

Modeled partly on Girard College, the Milton Hershey School was established in 1909 by Milton Hershey and his wife, Katherine. Originally meant to serve white orphan boys, by the 1970s the school was open to boys and girls of all races.

The school operates a 12-month program for its students, who number 1,104 in grades one through twelve. The school's large endowment allows it to provide its students a wrap-around support system including medical, dental and psychological services and learning assistance. About 93 percent of Milton Hershey's graduates are accepted into college or advanced technical training programs.

Admissions are based on financial need with preference in descending order for students from Lancaster, Lebanon and Dauphin Counties, then the rest of the Commonwealth, then the rest of the United States. While no tuition is charged, the annual cost per student is about $35,000.

Scotland School for Veterans' Children

The Scotland School for Veterans' Children originated as one of several residential schools set up for orphans of soldiers who died in the Civil War. In the 1890s these schools were combined at Scotland, Franklin County and called the Pennsylvania Orphans Industrial School.

Today the Scotland School is a State-owned coeducational residential school whose students, upon admission, must be over six and under 16 years of age and living with a parent or legal guardian who has resided in Pennsylvania for at least three years. The child must also have a parent, step-parent, grandparent or sibling who served in the armed forces of the United States and died in such service or was honorably discharged.[17] Scotland serves grades three through twelve, with first-time admissions entering grade ten or lower. Scotland's 1994-95 enrollment was 337, with 72 percent of the students coming from Philadelphia.

The school offers general, college preparatory, vocational and technical education programs and requires participation of all students in grades nine through twelve in its Junior Reserve Officer Training Corps.

While the students pay no tuition, Scotland's estimated cost per student per school year is about $26,000.

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[17]Act of May 21, 1943 (P.L. 302, No. 140), Section 1; 24 P.S. § 2695.

RESIDENTIAL SCHOOLS FOR AT-RISK CHILDREN

The issue to which the working group gave its most detailed and sustained attention was to formulate precisely which children a publicly supported residential school program should be designed to serve. Careful consideration of this issue will ensure that the program will attract those who would benefit most by it, will not duplicate existing programs and will hold down the program's cost.

The program will be geared toward the children of poor families receiving Aid to Families with Dependent Children or food stamps or meeting federal poverty income guidelines and living in one of 19 political subdivisions with the highest violent crime rates in the Commonwealth. To offer the safest possible educational environment for at-risk children, disruptive students will not be eligible for this program.[18] While it was recognized that the benefits of a residential program might be considerable for those entering it at younger ages, many families do not want to part with

[18]Two 1995 Special Session bills, House Bill 117 and Senate Bill 96, propose to provide alternative education programs for disruptive students.

young children. Therefore, the program will be designed for students in grades seven through twelve, and students will only be admitted in grades seven through ten. All students should be academically qualified, regardless of age-grade level, and be able to benefit from the program. Since this will be a relatively small program in the beginning due to funding constraints, additional criteria for admission may be necessary if the program is over-subscribed.

BENEFITS OF RESIDENTIAL SCHOOLS

Well-designed, well-run residential schools provide young people with more than a safe, nurturing place to sleep and a good education, though for at-risk young people these alone would be a vast improvement over what is currently available to them. Effective residential education for at-risk young people provides them with a number of sorely needed life enrichment components and varied skill emphases uncommon in standard boarding school or community-based settings.

Although a major goal of residential schools for at-risk young people is protection and a stable environment, the reason for enrolling students is to secure for them a greater chance to complete their education. The students and their families thereby receive the message that the child is

worthy of a significant investment, and a dramatic increase in the motivation of the students to succeed results.

The positive effect of the message to these young people and their families that society says and shows "You are worthy of attention" cannot be overestimated. Experienced staff in existing residential education schools claim that this message alone begins a strengthening process in the students, and elicits relief and gratitude from their families. Furthermore, it is "face-saving" to parents who struggle to provide for their children but cannot overcome the effects of crime-infested neighborhoods, domestic violence and poor or unsafe schools. They need not admit that they were unable to protect and provide for their children, and may justifiably claim to be providing their children a superior alternative. They are encouraged to be involved in the preparation of and progress in their children's individual growth.

Ideally the proposed schools can provide the targeted group of students with more than is offered in a standard boarding school. The schools can be—and a number of existing schools are—designed to provide these students with successive positive experiences, which build on each other, and greatly improve each young person's self-esteem and create understanding that he or she can become a successful, contributing member of society. Myriad choices of activities are available, planned so that

students' success at them is likely. For older students there can be a chance to participate in a work-study or internship program, where they earn money. Students see they have choices and gain a sense of control over their own lives, which usually eradicates, or at least ameliorates, their sense of hopelessness and rage. Students realize that it is expected they will succeed, and that the community's goal—teachers, residential staff, administrators, support staff and peers—is to support them in this.

Increased attention is paid to the students' psycho-social needs, though this is done in a subtle manner in order to maintain the focus on students' strengths, potential and overall education. The hours between the formal school hours and bedtime offer a wealth of opportunities for students to try out their various strengths—at extracurricular activities, sports, community service, mentoring younger students and peers and other valuable social skills. Increased emphasis is placed on the student-adult relationship. Adults in these settings act as role models, mentors, teachers and often as surrogate parents. Forming peer groups which have positive, supportive effects on the individual students is carefully planned and supervised, since at this age young people are strongly influenced by their peers. The prevailing tone in these residential schools is one of mutual respect between students and adults, emphasizing that disagreements are to be dealt with verbally, and not by force. Follow-up with these children by

school staff often prevents graduates from regressing at crucial points in their lives after graduation. These components make a critical difference in how successful these at-risk students are in their new environments—and in life after attending these schools.

These programs use subjective measures of student success such as increased self-discipline, the ability to form healthy relationships, the ability to resolve conflicts peacefully, improved personal hygiene, abstinence from drugs, and the ability to accept directions.

KEY COMPONENTS OF RESIDENTIAL SCHOOLS

Unlike family support services, residential programs extend the student's learning environment. Students are encouraged to study and do their homework in their living spaces. They learn and practice social, interpersonal and life skills during their non-academic as well as academic or vocational hours. Values and behaviors enforced in school are clearly defined and consistent with those in their non-school hours.

In a recent review of existing residential education programs it was noted that effective residential programs appear to contain at least five key components:

- Safety. This implies not only conventional safety features such as guards and gates to protect them from the outside. The young person must also know that they can trust adults to protect them from bodily and psychological harm.
- Education. The setting must provide an academic and living environment which increases motivation and provides opportunities to study and learn through formal and informal means. Career goals involve preparing the student for full participation in the workforce.
- Community. Residential education settings must offer young people the chance to belong to a community, rather than an institution, in which they can count on support when they need it and to which they are encouraged to contribute. Community service is often one of the most powerful tools to increase a young person's self-esteem, proving to the young person that he or she can make a positive difference in someone else's life.
- Self-esteem. This component emphasizes improvement of self-esteem based on real achievements, leading to aspirations toward a better future. The majority of the economically and socially disadvantaged young people who enter residential education settings suffer from low self-esteem. If run well, the

all-day setting can offer them infinite opportunities to test their strengths and abilities and to form a more positive identity.

- Structure. Residential education settings provide students a structured daily regimen with clearly articulated expectations from the time they wake up through "lights out." However, during certain segments of the day the young people have a variety of activities to engage in, giving them the message they have some choices and responsibilities over their own lives.[19]

With these most basic needs met, students can apply all their efforts to the educational and social skills program offered. For many of the Commonwealth's most at-risk students, this kind of full-time, intensive, all-day program may be the only effective solution.

EXISTING RESIDENTIAL SCHOOLS

Although Pennsylvania historically has more available charitable and State-supported residential education "slots" than any other state, there is little extra capacity. For instance, the Milton Hershey School receives approximately 8,000 requests for information about enrollment per year, but

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[19]Goldsmith, Heidi, Overview of U.S. Residential Education Programs for Youth, U.S. Department of Labor's Office of Job Corps, Washington, D.C., 1995, Executive Summary.

only 250 spaces for new students are available. While not all requests become formal applications, the number of applicants is many times higher than the number of spaces for new students. The number of qualified applicants Girard College considers every year is at least two to three times the number it can accept. There are four Job Corps programs in the Commonwealth, but students must be at least 16 years of age, and the program is relatively short-term.

More readily available are spaces for young people who have already entered the juvenile justice system. These programs are not prevention programs, are unable to act on the educational strengths of young people, and at the same time cost much more than the proposed residential education settings. Residential treatment centers for juvenile offenders, as stated on page 13, are in the $33,000-$49,000 range, whereas Girard College and Piney Woods each cost about $20,000, Scotland School costs about $26,000 and Milton Hershey School costs about $35,000 per year.

By becoming the first state in the nation to open publicly-supported voluntary boarding schools for at-risk youth, Pennsylvania will admittedly be taking a risk. All innovative investments are risks. But compared to existing programs for already troubled youth, these preventive, education-oriented programs appear to be a bargain. Business leaders and private citizens will

likely be pleased to see their taxes used in the most cost-effective manner, and can be expected to contribute private funds to support these programs in the Commonwealth and in their local communities.

SUMMARY OF PROPOSED LEGISLATION

The proposed legislation would create a public entity called the Pennsylvania Residential Education Board that will select the students who will be eligible to attend the residential schools supported by the program; select providers to administer and operate the publicly-funded residential schools through a request for proposal procedure; and attempt to place the remaining eligible students in existing residential schools.

PENNSYLVANIA RESIDENTIAL EDUCATION BOARD

The board is an independent agency to be governed by a 15-member board to be appointed by the Governor, the President Pro Tempore and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives. Administrative support for the board is provided by the Department of Education. The board may appoint a staff to run its day-to-day affairs. The board is charged with the duty of providing for the residential education of the students it selects.

ELIGIBLE STUDENTS

The students who may enter the residential schools funded through this program must apply to the board for selection. The students must be two-year residents of Pennsylvania entering seventh, eighth, ninth or tenth grades. The student's family must be eligible to receive AFDC assistance or food stamps or both, or meet federal poverty income guidelines. The student must reside in one of the 167 school districts with the highest proportion of families eligible to receive AFDC and must reside in a municipality whose violent crime rate is more than twice the statewide average. Table 5 lists the school districts and municipalities that currently meet these criteria, along with an estimate of the number of potentially eligible students in each school district. Thus, the program will be targeted to benefit families that are not only poor themselves, but also live in the poorest and most crime-ridden areas of the Commonwealth.

SELECTION OF PROVIDERS

A major strategy for placing the eligible students will be through new or existing residential schools operated and administered by providers selected through competitive bidding. The board will draft a request for proposals that will set forth in detail the requirements for the school and the

Table 5

SECONDARY STUDENT ENROLLMENT
AND ESTIMATED NUMBER OF POTENTIALLY ELIGIBLE STUDENTS
FOR SELECTED MUNICIPALITIES AND SCHOOL DISTRICTS IN 1994

Municipalities and school districts	School district enrollment grades 7 to 12	Potentially eligible students[1]
Braddock Borough[2]	2,863	58
Bristol Township S.D.	3,597	72
Canonsburg Borough[2]	1,696	34
Chester - Upland S. D.	3,027	61
Coatesville City[2]	3,161	64
Duquesne City S. D.	419	8
Harrisburg City S. D.	3,258	65
Lancaster S. D.	4,311	87
Midland Borough S. D.	54	1
New Kensington[2]	1,148	23
Norristown Borough[2]	2,712	55
Philadelphia City S. D.	88,287	1,775
Pittsburgh City S. D.	16,776	337
Pottstown Borough S. D.	1,077	22
Reading City S. D.	5,063	102
Uniontown City[2]	1,739	35
Washington S. D.	857	17
Wilkinsburg Borough S. D.	611	12
York City S. D.	2,500	50
Total	140,444	2,823

1. The estimate of potentially eligible students is overstated because of the high dropout rates in the higher grades and because in some districts only those students residing in high crime political subdivisions would be eligible.

2. Municipality with high violent crime rate within one of the poorest 167 school districts.

NOTE: The political subdivisions have estimated violent crimes that are twice that of the statewide average violent crime rate and also appear on the list of 167 poorest school districts in the State as published by the Pennsylvania Department of Education in 1995.

SOURCE: Pennsylvania Department of Education, Public Secondary School Dropouts by School, 1993-94, 1995.

financial support available from the board. Vendors can then submit proposals describing what they could offer to achieve the desired results, and the board will select the most advantageous proposal submitted for each of the schools. Proposals might be received from existing private residential schools, colleges and universities, educational corporations or consortiums of public school districts.

The request for proposal procedure will allow the board to prescribe different specifications for the schools. For instance, one of the schools could be designated to run an academic program while another might offer a vocational-technical curriculum, an apprentice program, a lab school or other alternatives. The schools could be in different parts of the Commonwealth. The statutory procedure permits the board and the prospective providers to discuss, negotiate and revise the proposals.

The program could begin by supporting three or more residential schools across the Commonwealth, each receiving 30 to 60 students in grades seven, eight and nine in the first year. In the second year, an incoming class will join the school, and the initial ninth grade will become the tenth; it is believed that the older students will act as role models for the younger. In three or four years each school would have a full enrollment of 180 to 360 students in grades seven through twelve and graduate its first class of seniors.

OTHER POWERS OF THE BOARD

The board's broad mandate to provide for the education of the eligible students will permit it to seek placements for them in existing private residential schools that are not under an RFP contract with the board. In order to encourage public schools to establish residential adjuncts, the board is mandated to give interested school districts technical and financial assistance in that regard.

Nothing in this report or the accompanying legislative proposal precludes the development of local coalitions of foundations, businesses, educators and financial institutions to seek innovation in the design and delivery of local public school residential programs. Accountability would be placed with local communities while financial incentives could come from the Commonwealth in the form of challenge grants.

> Governments at local, state, and federal levels could remove the obstacles faced by communities in their attempts to provide more effective services and otherwise open up opportunities for healthy, constructive adolescent development. Mechanisms could be established at the state level to formulate comprehensive policy and program plans that focus on the second decade of life and to help communities translate these plans into action.[20]

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[20]Carnegie Council on Adolescent Development, Great Transitions: Preparing Adolescents for a New Century (New York: Carnegie Corporation of New York, 1995), p. 131.

FUNDING

Financial support for the program will come from three sources: tuition payments from the public school of residence; private support through donations (including challenge grants); and a Commonwealth appropriation to make up the difference between the needs of the program and the amount raised through the other two sources. Funds from each of these sources will be combined into a restricted account known as the Residential Education Support Fund.

The "tuition charge per high school pupil" is the amount a school district pays under existing law for each resident student who attends school in another district.[21] This charge represents the instructional and overhead costs of educating the child in the receiving school district. This amount varies among districts depending on local costs, averaging about $5,100 per student. This amount will be directed from the participating student's home school district to the fund, and the Equalized Subsidy for Basic Education (ESBE) payment to the home district will be adjusted accordingly.

The second source will be private donations to the fund. Business firms will be entitled to a tax credit for amounts donated to this fund, up to a total credit of $10,000,000 per year, under a mechanism modeled after the

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[21] Section 2561(3) of the Public School Code of 1949 (March 10, 1949 (P.L.30, No.14); 24 P.S. § 25-2561(3).

Neighborhood Assistance Act.[22] The fund can also receive donations from individuals, which will be considered charitable donations to a fund for educational purposes and therefore deductible for the purposes of federal tax liability. The board is authorized to solicit donations and other financial assistance, particularly federal crime prevention funds.

One of the most promising mechanisms to encourage additional donations to this program is the matching or "challenge" grant, in which the grantor offers funding conditional on the amount being matched by a donation from another source. This mechanism can be utilized in at least two distinct ways. The board may use amounts from the fund to draw matching funds from noncontract providers who create or expand residential schools to accommodate eligible students; this mechanism may be especially useful to encourage initiatives by public schools. The other possibility is that the board could use amounts from the fund to match donations from private corporations or eleemosynary foundations.

The remaining funds will be supplied by annual appropriations to the board. Assuming the creation of three schools with an enrollment of 180 students each, the annual cost of educating the 540 students under this program is roughly estimated at $10,800,000, of which up to $2,754,000 will

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[22] Article XIX-A of the Tax Reform Code of 1971 (March 4, 1971 (P.L. 6, No.2), known as the Neighborhood Assistance Act; 72 P.S. § 8901-A et seq.

come from tuition payments from the local school districts. Thus the maximum state assistance will be roughly $8,046,000, if no money is donated to the support fund. An initial appropriation of $3,000,000 is provided for start-up costs and initial funding of providers.[23]

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[23]Other sources of funding were considered, including diversion of the child's AFDC assistance. However, it was determined that the amount that could be redirected would be only about $83 per month and that this amount would not help the residential program as much as it would hurt the remaining family members by removing funds that the latter depend on for basic needs.

CONCLUSION

Beginning with Girard College and Scotland School for Veterans' Children in the 19th century and Milton Hershey School in the early 20th century, Pennsylvania has enjoyed a rich tradition of the private and public sectors providing residential education for our needy children. Establishing this residential school program will continue that tradition and add to the choices for a quality education available to at-risk children.

The program will allow eligible students to voluntarily leave unsafe family, community and school situations in favor of a residential school offering the comprehensive care, services and educational opportunity the students need and deserve. All citizens of this Commonwealth will reap the benefits of residential education through the reduction of crime and dependency, coupled with the increase in productivity of appropriately educated youth.

APPENDIX A: RESOLUTION

PRINTER'S NO. 509

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 43 Session of 1995

INTRODUCED BY ITKIN, PERZEL, RIEGER, HALUSKA, CAPPABIANCA, GODSHALL, GAMBLE, ROBERTS, PETRONE, ROONEY, COY, CORRIGAN, SANTONI, RUBLEY, PESCI, FAIRCHILD, MUNDY, ROBINSON, KENNEY, LAUGHLIN, PISTELLA, BISHOP, COLAFELLA AND TRELLO, JANUARY 31, 1995

INTRODUCED AS NONCONTROVERSIAL RESOLUTION UNDER RULE 35, JANUARY 31, 1995

A RESOLUTION

Requiring a study to determine the feasibility of creating a voluntary residential school program.

WHEREAS, Many child service professionals support group homes and other stable alternatives to foster homes and similarly unsettled living arrangements for disadvantaged children; and

WHEREAS, Many parents living on poverty incomes believe their children are not being educated in an environment conducive to learning, but they lack the resources needed to provide better educational environments for their children; and

WHEREAS, The Commonwealth could help low-income parents send their children to residential schools, on a strictly voluntary basis, by applying each child's existing education and welfare funds toward tuition; and

WHEREAS, Pennsylvania has an excellent model of a successful residential school for disadvantaged children in the Scotland School for Veterans' Children; therefore be it

RESOLVED, That the Joint State Government Commission report to the General Assembly on the feasibility of creating a voluntary residential school program; and be it further

RESOLVED, That the Joint State Government Commission appoint a working group of legislators, educators, child care professionals, and other interested public officials and private citizens to assist in the development of the plan; and be it further

RESOLVED, That the Joint State Government Commission report its findings to the General Assembly by October 30, 1995.

APPENDIX B: PROPOSED LEGISLATION

AN ACT

Amending the act of March 10, 1949 (P.L. 30, No 14) entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for a program of residential education for at-risk secondary students; establishing the Pennsylvania Residential Education Board and the Residential Education Support Fund; and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding an article to read:

ARTICLE XVI-A

RESIDENTIAL EDUCATION

Section 1621. Short title.

This article shall be known and may be cited as the Residential Education Act.

Section 1622. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"AFDC." The Aid to Families with Dependent Children provisions of Title IV of the Social Security Act (49 Stat. 620, 42 U.S.C. § 601 et seq.).

"Board." The Pennsylvania Residential Education Board established by this article.

"Department." The Department of Education of the Commonwealth.

"Disruptive student." A student who poses a clear threat to the safety and welfare of other students or the school staff, creates an unsafe school environment or whose behavior materially interferes with the learning of other students or disrupts the overall education process. The disruptive student exhibits to a marked degree any or all of the following conditions:

(1) Disregard of school authority, including persistent violation of school policy and rules.

(2) Display of or use of controlled substances on school property or during school-affiliated activities.

(3) Violent or threatening behavior.

(4) Possession of a weapon on school property, as defined under 18 Pa.C.S. § 912 (relating to possession of a weapon on school property).

(5) Commission of a criminal act on school property.

(6) Misconduct that would merit suspension or expulsion under school policy.

(7) Habitual truancy.

No student who is eligible for special education services pursuant to the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a disruptive student for the purposes of this article, except as provided for by the department by applicable regulations.

"Eligible student." A student accepted into the program established by this article pursuant to section 1626.

"Fund." The Residential Education Support Fund established by section 1629.

"High school tuition charge." The amount computed under section 2561(3), applicable to pupils attending junior and senior high school.

"Independent agency." As defined in 42 Pa.C.S. § 102.

"Residential school." A school that offers a program of secondary education to students who reside on school property. The term does not include a home education program provided pursuant to section 1327.1.

"Parent." Includes a guardian or person in loco parentis.

"School." Any public or nonpublic secondary school located within this Commonwealth where a Commonwealth resident may legally fulfill the compulsory school attendance requirements and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Secretary." The Secretary of Education of the Commonwealth.

Comment: "Disruptive student." Derived from 1995 (Special Session No. 1) Senate Bill 96 (Pr's. No. 143), § 2 and 1995 (Special Session No. 1) House Bill 117 (Pr's. No. 174).

Section 1623. Legislative findings and purpose.

(a) Findings.--The General Assembly finds as follows:

(1) A substantial proportion of the children of this Commonwealth in low-income families are growing up under the threat of having their futures blighted by the scourges of drugs and violent crime, particularly in our urban school districts.

(2) At-risk children may stand a better chance of becoming productive and well-adjusted citizens if they have the opportunity to be educated at an alternative facility that offers a residential program, since such a program will provide a secure and nurturing environment that promotes learning.

(3) A residential school program can succeed only with the cooperation and support of the child's parents.

(4) Public funding may encourage private providers to create new residential education or open up existing residential education to at-risk children.

(b) Purpose.--The purpose of this article is to facilitate the establishment of residential secondary schools in which at-risk children may obtain their education in a safe, healthy and nurturing environment.

Section 1624. Pennsylvania Residential Education Board.

(a) Establishment.--There is hereby created an independent agency which shall be known as the Pennsylvania Residential Education Board.

(b) Purpose.--The purpose of this board shall be to provide for the education of the eligible students.

(c) Composition of board.--The board shall be governed and its corporate powers shall be exercised by a board of directors, which shall consist of 15 members, including the Secretary of Education and the Secretary of Public Welfare, five members appointed by the Governor, two members appointed by the President Pro Tempore of the Senate, two members appointed by the Minority Leader of the Senate, two members appointed by the Speaker of the House of Representatives and two members appointed by the Minority Leader of the House of Representatives.

The term of office for each member other than the Secretary of Education and the Secretary of Public Welfare shall be four years from his or her appointment or until a successor has been duly appointed and qualified, but no longer than six months beyond the four-year period. Three of the members appointed by the Governor and one of the members appointed by each of the officers of the General Assembly shall serve initial terms of two years. No member may serve more than two consecutive terms, except that members appointed for an initial term of two years may serve two consecutive four-year terms immediately after the initial term. The board shall elect from its own members each year a chair and vice chair who shall serve for terms of one year and who shall be eligible for reelection for successive terms. Vacancies shall be filled for the unexpired terms in the same manner as the original appointments.

(d) Expenses.--Directors shall receive no compensation for their services, but shall be reimbursed for their expenses actually and reasonably incurred by them in the performance of their duties.

(e) Conduct of business.--The board of directors shall provide for general and special meetings. Seven directors attending shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the board, the act of a majority of the members present at any meeting shall be deemed the act of the board. The board

shall adopt bylaws for the board and may appoint such officers and employees as it deems advisable and may fix their compensation and prescribe their duties.

(f) Administrative support.--Administrative support for the board shall be provided by the department. The department shall periodically consult with the board regarding the administrative needs of the board.

(g) Forfeiture of membership.--An appointed member who fails to attend three consecutive board meetings shall forfeit membership on the board unless the chair, upon written request of the member, determines that the member shall be excused from a meeting or meetings for reasonable cause.

> Comment: Subsection (a)--Derived from the act of August 7, 1963 (P.L.549, No.290), § 1, 24 P.S. § 5101. This act is hereinafter referred to as PHEAA (Pennsylvania Higher Education Assistance Act).
>
> Subsection (c)--Derived from PHEAA, § 3(a); 24 P.S. § 5303(a).

Section 1625. Powers and duties.

The Pennsylvania Residential Education Board shall have the following powers and duties, in addition to any others provided by this article:

(1) To select, fund and supervise providers of residential education programs in accordance with the provisions of this article.

(2) To enter into contracts with the providers in accordance with section 1628 with respect to residential education programs.

(3) To select the students eligible to participate in the residential education program pursuant to section 1626.

(4) To place eligible students in residential schools that agree to accept them.

(5) To provide technical and financial assistance to public and nonpublic schools that wish to establish residential schools for at-risk children.

(6) To solicit and accept gifts, grants, loans and other aid from any person or from Federal, State or local government.

(7) To promulgate rules and regulations and adopt administrative guidelines relating to its activities, including rules regarding the selection of providers and of eligible students and verification of performance by providers.

(8) To develop a research design that will enable the public to evaluate the results of residential education of at-risk children and to collect data from residential schools in accordance with that design. The research design must provide for the collection of data concerning the socioeconomic characteristics of the students, the instruction given, and follow-up study of graduates of the program, including their

educational attainment, employment history, income, marital status and criminal record.

(9) To perform such other acts as may be necessary or appropriate to carry out effectively the objects and purposes of the board as specified in this article.

> Comment: The powers granted in paragraphs (5) and (6) are intended to permit the board to participate in matching or "challenge" grants. The board may use money from the fund to establish a matching grant for public schools under paragraph (5) in order to encourage such schools to establish residential schools, either directly or by joining together in a consortium. Paragraph (6) permits the board to accept challenge grants from corporations, foundations or individuals for the purposes of this program.

Section 1626. Eligible students.

(a) General rule.--A student is eligible to participate in the residential education program if all of the following criteria are met:

(1) The student must have been a resident of this Commonwealth for at least two years before application.

(2) The family of the student must be eligible to receive assistance under either AFDC or the Food Stamp Act of 1977, as amended (Public Law 88-525, 7 U.S.C. § 2011 et seq.), or both, or the annual family income must meet federal poverty income guidelines.

(3) The student must reside in one of the 167 school districts identified by the department as having the highest percentage of

children of families eligible to receive assistance under AFDC when measured as a percentage of the district's average daily membership.

(4) The student must reside in a municipal corporation that has a rate of violent crime more than twice the statewide average rate as reported to the department under section 1631(b).

(5) The student must be of an age such that he or she would be eligible to enter grade seven, eight, nine or ten in the school district of residence, but in no event older than age 17.

(6) The student must not be brain-damaged, mentally retarded, socially and emotionally disturbed, learning disabled, speech and language impaired, visually impaired, deaf or hearing impaired or a disruptive student.

(7) An application must be submitted to the board under subsection (b).

(8) The student must be accepted into the program under subsection (c).

(b) Application.--The parents of the student must submit an application to the board on a form prescribed by the board by the deadline set by the board. The application must include all of the following:

(1) Information showing that the student is eligible under subsection (a)(1), (2), (3), (4), (5) and (6).

(2) The school grade that the student intends to enter.

(3) A release allowing the board to verify the information provided on the application.

(4) Such other information as the board may require by regulation.

(c) Approval of application.--The board shall approve applications in a number that is within the number of placements in residential schools under contract with or otherwise available to the board. No more than three percent (3%) of the average daily membership in grades seven through ten of a school district may be selected from the applicants residing in that district, unless the number of eligible students would otherwise be fewer than the number of available placements. If the applications from a school district exceed the limitations of this subsection, the board shall select the eligible students from among the applicants by random selection. However, if the applications from all the school districts exceed the number of available placements, the board shall approve applicants by random selection from each school district in the proportion that the number of placements bears to the total applications. The board shall determine the assignment of the students to the residential schools and shall so notify the parents of the student.

(d) Termination of eligibility.--A student shall no longer be eligible for the program established by this article if the student has:

(1) voluntarily withdrawn from the residential school program; or

(2) violated behavioral standards as promulgated by the board.

An eligible student may not be dismissed from the program on the grounds that the student's municipal corporation or school district of residence does not qualify under subsection (a)(3) or (a)(4).

Comment: Subsection (a)--This subsection lists the criteria that must be met in order for the student to be considered for admission to the residential school program. Paragraph (6) excludes disruptive students and certain categories of children that are eligible for special education as being outside the scope of this program. The special education categories are defined in 22 Pa.Code § 59.1.

Subsection (c)--This subsection should be read together with section 1625(7), which grants the board power to regulate the selection of the eligible students within the limitations set by this section. For instance, the board may prefer the siblings of students accepted into the program, and may admit all those who are within their district's three percent limit before selecting any of those who are above that limit.

Subsection (d)--This subsection lists the reasons for which a student may cease to qualify for the program. The last sentence is added to make clear that a student retains eligibility even if his or her district of residence improves its crime rate or poverty statistics such that a new entrant would not be eligible from that school district or municipality.

Section 1627. Residential education programs.

(a) General rule.--The board shall award contracts pursuant to this article to providers who demonstrate the ability to operate and administer a residential school program that provides a suitable secondary education program for eligible students.

(b) Contents of proposal.--The proposal submitted by the prospective provider must include the following:

(1) The title or name and the address or location of the school or classes together with the name of the owners and controlling officers.

(2) The general and specific fields of instruction that will be offered and the purposes of such instruction.

(3) The place or places where instruction will be given.

(4) The place or places where the students will reside.

(5) A specific listing of the equipment and staff available for instruction and residential supervision.

(6) The maximum enrollment that can be accomodated by the educational and residential facilities available.

(7) The qualifications of instructors, administrators and supervisors.

(8) Financial resources available to equip and maintain the school and the residence.

(9) An agreement to abide by reasonable service and business ethics prescribed by the board.

(10) A research and performance verification plan consistent with the research design prescribed under section 1625(8).

(11) Any additional information the board may deem necessary to enable it to determine the adequacy of the program of instruction, the business integrity, the social support services and related matters.

(c) Educational standards.--The board may exempt residential schools under contract with the board from the provisions of this act except for those applicable to nonpublic nonlicensed schools. This subsection shall not exempt residential schools from requirements otherwise applicable under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act, or the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(d) Nonpublic schools.--No contract may be awarded to a nonpublic school unless the proposal includes adequate assurances that the residential school will not be pervasively sectarian and that its secular character can be maintained without excessive entanglement between the provider and the Commonwealth.

Comment: Subsection (a)--Derived from the act of January 28, 1988 (P.L.24, No.6) (Private Academic Schools Act), § 7(b); 24 P.S. § 1607(b).

Subsection (c)--In order to provide residential schools with maximum flexibility with respect to such matters as curriculum and hiring, the board is given the power to exempt residential schools from all the provisions of the Public School Code of 1949 except those that apply to nonpublic nonlicensed schools. The curriculum requirements applicable to religious schools are stated in section 1327(b) of the Public School Code of 1949; 24 P.S. § 13-1327(b). The board may use contractual provisions to ensure that the provider will be accountable for the quality of the instruction.

Subsection (d)--Nonpublic schools may be selected to operate residential schools under this program. The purpose of this subsection is to ensure that public support of these residential schools does not violate the Establishment Clause of the First Amendment of the federal Constitution and the provisions of the Pennsylvania Constitution that deal with religion. See Article I, § 3 and Article III, §§ 15 and 29 of the Pennsylvania Constitution.

Section 1628. Award of contracts.

(a) General rule.--Contracts for the operation, administration and funding of residential schools shall be awarded through a process of competitive sealed proposals, which the board shall solicit through a request for proposals. The contract relating to each residential school shall be let pursuant to a separate request for proposals.

(b) Public notice.--Adequate public notice of the request for proposals shall be given a reasonable time prior to the date set for the opening of proposals. Notice in the Pennsylvania Bulletin is sufficient for all purposes under this section.

(c) Discussion and revision.--Discussions and negotiations may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion, negotiation and revision of proposals. Revision may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. Discussions shall not disclose any information derived from proposals submitted by other offerors.

(d) Award.--Award shall be made to the offeror whose proposal is determined in writing by the board to be the most advantageous to the Commonwealth based on the criteria determined by the board.

> Comment: Derived from 1995 Senate Bill 1169 (Pr's. No. 1365) (proposed Model Procurement Code) §§ 518 and 519.
>
> Subsection (a)--The provision requiring separate requests for proposals for each residential school contract is intended to encourage the board to prescribe alternative specifications regarding such matters as curriculum, support program and location.

Section 1629. Residential Education Support Fund.

(a) Establishment.--There is hereby created a special nonlapsing fund in the State Treasury to be known as the Residential Education Support Fund. Moneys received by the board shall be paid into the State Treasury and shall be credited to the fund and are hereby appropriated to the board

on a continuing basis to assist in funding activities necessary to meet the requirements of this article. The fund shall consist of the following:

(1) Any moneys appropriated to the fund by general appropriations.

(2) Contributions to the fund.

(3) The tuition charges required by section 1630.

(b) Tax credit.--

(1) Any business firm which contributes to the fund may receive a tax credit against any tax due under Article IV, VI, VII, VII-A, VIII, VIII-A, IX, X or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, or any tax substituted in lieu thereof. The credit shall not exceed $250,000 annually. Any tax credit not used in the calendar or fiscal year the donation is made may be carried over for the next five succeeding calendar or fiscal years until the full credit has been allowed.

(2) The total amount of all tax credits allowed pursuant to this section shall not exceed $10,000,000 in any one fiscal year of the Commonwealth, unless a greater amount is provided for in the general appropriation act. If the total amount of tax credits claimed under this section exceed the amount permitted under this paragraph, the tax

credit allowed each business firm shall be ratably reduced under regulations promulgated by the Department of Revenue.

(c) Charitable donations.--Any charitable donations made by persons to the board shall also be deposited in the fund.

(d) Definition.--For the purposes of this section, the term "business firm" means any business entity authorized to do business in this Commonwealth and subject to taxes imposed by Article IV, VI, VII, VII-A, VIII, VIII-A, IX, X or XV of the Tax Reform Code of 1971.

> Comment: Subsection (a) is derived from section 10(a) of the act of May 20, 1993 (P.L.12, No.6), known as the Nutrient Management Act; 3 P.S. § 1710(a). Subsections (b) and (e) are derived from article XIX-A of the Tax Reform Code of 1971, 72 P.S. § 8901-A et seq., known as the Neighborhood Assistance Act.
>
> Subsection (b)--In order to encourage donations to the fund, a dollar-for-dollar tax credit is established, limited only by a ceiling of $250,000 per firm and an overall limit of $10,000,000, unless the General Assembly approves a greater amount through language in the General Appropriations Act.
>
> This section does not preclude the residential schools themselves from soliciting and receiving charitable donations, but only contributions by business firms to the fund are eligible for the tax credit.

Section 1630. Tuition charges.

For each eligible student who attends a residential school that is not administered and operated by the school district of residence, the department shall pay to the fund the high school tuition charge attributable to the district and shall continue to pay the fund so long as the eligible

student attends a residential school. Payments shall be deducted from the reimbursements otherwise due the school district of residence under article XXV. For purposes of this section, the term "school district of residence" means the school district in which the eligible student resided immediately before his or her attendance in a residential school.

> Comment: This provision is intended to mandate that the school district in which a student resides will be charged the high school tuition charge provided by section 2561(3) of the Public School Code of 1949; 24 P.S. § 25-2561(3). The charge is to be paid to the Residential Education Support Fund, not the residential school itself. The Department of Education may administer these payments through deductions from the ESBE subsidy otherwise due the school district of residence. For purposes of this section, the school district in which the student resided before transferring to the residential school is charged with the tuition payment until the student graduates or otherwise leaves the program, notwithstanding the fact that the student resides at the residential school for most of that time period.

Section 1631. Reports.

(a) Department of Education.--No later than January 31 of each year, the board shall submit a report to the Governor, the Appropriations Committee and the Education Committee of the Senate, and the Appropriations Committee and the Education Committee of the House of Representatives, which shall include the following:

(1) The names of the providers; the names and addresses of the residential schools operated pursuant to this article; and the number of eligible students enrolled in each school, analyzed by grade level and gender.

(2) The socioeconomic characteristics of the eligible students, with a separate analysis of those most recently enrolled.

(3) The number of students who have withdrawn from the residential schools and the number who have graduated from the program.

(4) The amount of financial support provided under this article to the residential schools, broken down by contract payments, amounts paid from the fund and amounts paid from Commonwealth appropriations.

(5) Evaluation of the program and suggestions for improvement, including suggestions for legislative action.

In no case shall the names of eligible students or their parents be furnished as part of this report.

(b) Pennsylvania State Police.--The Pennsylvania State Police shall annually submit to the board a list of all municipal corporations that have a rate of violent crime equal to or greater than twice the statewide average rate of violent crime.

> Comment: Subsection (a)--Since the residential program is innovative and experimental, it is appropriate that the Governor and the General Assembly receive regular and comprehensive reports from the Pennsylvania Residential Education Board. These reports will enable the public to monitor the progress of the program. The board may utilize the research plan adopted under section 1625(8) in the analysis of the data in this report.

Subsection (b)--The report by the State Police to the board will determine the municipalities from which the students in the program may be drawn under 1626(a)(4).

Section 2. The sum of $3,000,000, or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Residential Education Board to administer the provisions of this act.

Section 3. This act shall take effect immediately. The respective appointing authorities shall appoint the members of the Pennsylvania Residential Education Board within 120 days.